

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR,
Plaintiff

Vs.

CASE NO.: 1:23-CV-00374-JL

CRAIG DONAIS, RUSSELL HILLIARD,
DONAIS LAW OFFICES PLLC,
UPTON AND HATFIELD LLP and
MARY K. DONAIS,
Defendants

**MOTION TO DISMISS OF CRAIG DONAIS,
DONAIS LAW OFFICES PLLC AND MARY K. DONAIS**

Pursuant to Local Rule 7.1(a), Fed. R. Civ. P. 12(b)(6), and Fed. R.Civ. P. 8(a), Defendants, Craig Donais, Donais Law Offices PLLC and Mary K. Donais (collectively “Donais Defendants”), by and through their counsel, Morrison Mahoney LLP, respectfully submit this Motion to Dismiss Plaintiff’s First Amended Complaint (“FAC”), stating as follows:

1. Plaintiff’s FAC arises out of his claims for defamation, libel, false light/invasion of privacy, tortious interference with advantageous relations, intentional infliction of emotional distress, civil conspiracy, abuse of process, violation of 42 U.S.C. §1981 against the Donais Defendants; civil rights violations, violations of Massachusetts G.L. ch. 93A, breach of fiduciary duty, breach of implied contract and breach of implied covenant of good faith and fair dealing against Craig S. Donais and Donais Law Offices PLLC; and aiding and abetting defamation against Mary K. Donais for statements and publications allegedly made by Craig S. Donais¹ (“Donais”). According to the FAC,

¹Plaintiff has also sued Donais in Middlesex Superior Court, Docket No. 2081CV000087, alleging defamatory statements of the exact same type and nature, which claims were dismissed on August 2, 2021 and in New Hampshire for similar causes of action. Plaintiff is appealing the dismissal of the Massachusetts action on a pro se ex parte appeal to the Massachusetts Appeals Court, Docket No. 2021-P-0965 (“Andre Bisassor [sic] v. Craig Donais”). Plaintiff’s wife has also filed two grievances against Defendant Craig Donais with the New Hampshire Attorney Discipline Office alleging the same facts. Plaintiff and Plaintiff’s wife have also filed another civil action against Defendant Craig Donais in New Hampshire in Hillsborough Superior Court North, Docket 226-2020-cv-00027.

such statements and publications were intended to damage Plaintiff's reputation. See FAC ¶5. Plaintiff's claims concerning alleged statements made by or on behalf of Donais concern statements made to the courts, police, or other public bodies or organizations. FAC ¶¶21, 37-39, 120, 133-134, 148, 152, 213-221, 272, 316, 319.

2. The FAC is 92 pages long, substantially single spaced, and contains 900 paragraphs. The FAC alleges 13 counts against five defendants.

3. Donais Defendants deny wrongdoing. Pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 8(a), Plaintiff's Complaint against the Donais Defendants should be dismissed because (a) all statements by or on behalf of Donais are absolutely privileged, (b) Plaintiff has entirely failed to allege sufficient facts to state a cause of action against Mary Donais, (c) each count separately fails to state a cause of action, and (d) the FAC fails to comply with Rule 8, inasmuch as it is not a short and concise pleading. Also, to the extent that certain causes of action are based upon (in whole or in part) either (a) a 2017 telephone call between Donais and Plaintiff, (b) a March 2017 affidavit filed by Donais in another matter, or (c) Donais' 6/18/19 statements to the Manchester Police, such causes of action should be dismissed as time-barred. Furthermore, the Donais Defendants should be awarded their attorneys' fees and costs incurred in defending against and moving to dismiss Plaintiff's claims pursuant to M.G.L. c. 231, § 59 H.

4. Since this motion is dispositive, Donais Defendants did not seek concurrence from Plaintiff. See Local Rule 7.1(c).

5. In further support thereof, Donais Defendants incorporate herein by reference their accompanying Memorandum of Law in Support of Motion to Dismiss.

Wherefore Craig Donais, Mary K. Donais and Donais Law Offices PLLC respectfully request that this Honorable Court:

- A. Dismiss all claims against Craig S. Donais, Donais Law Offices PLLC and Mary K. Donais with prejudice;
- B. Award attorneys' fees and costs to Craig S. Donais, Donais Law Offices PLLC and Mary K. Donais pursuant to M.G.L. c. 231, § 59 H; and
- C. Grant such other and further relief as is equitable and just.

Respectfully submitted,

FOR THE DEFENDANTS,
CRAIG DONAIS,
DONAIS LAW OFFICES PLLC and
MARY K. DONAIS

By Their Attorneys,

/s/ Linda M. Smith

Edwin F. Landers, Jr., #17297
elanders@morrisonmahoney.com
Linda M. Smith, #265038
lsmith@morrisonmahoney.com
Center of New Hampshire Office Tower
650 Elm Street, Suite 201
Manchester, NH 03101
(603) 622-3400

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **MOTION TO DISMISS** to all parties in this action by serving same via First Class U.S. mail, postage prepaid and/or electronic mail to:

Andre Bisasor, Pro Se
679 Washington Street, Suite #8-206
Attleboro, MA 02703

William Saturley, Esq.
Daniel R. Sonneborn, Esq.
Preti Flaherty
60 State Street, Suite 1100
Boston, MA 02109
wsaturley@preti.com
dsonneborn@preti.com

Date: September 26, 2023

/s/ Linda M. Smith
Linda M. Smith